



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

Date: _____

Attn: _____

Developer Name: _____

Address: _____

City, State & Zip: _____

Subject: _____, Plan # _____

Tax Map: _____, District _____

The plan for the above mentioned project has been submitted to the Department of Public Works and Environmental Services, Land Development Services for review. In order to allow the process of obtaining the required performance security for this project to begin, please provide the necessary bond and agreement forms. Prompt execution and return of the documents listed below will facilitate quicker acquisition of the necessary subdivision plat or building permit approvals, as appropriate to the site. However, please note that County acceptance of the performance security does not constitute project approval. Site construction can only proceed upon final approval of the referenced plan by the Director of the Department of Public Works and Environmental Services, and issuance of construction and utility permits.

Please complete an original package. All packages must be typed, signed and notarized. Please indicate if the developer is the owner, lessee, or contract purchaser. If other than owner, please provide this office with a copy of the lease, or a Contract Purchase Agreement or Letter of Permission from the owner.

If the Company is a General Partnership, please provide a copy of the recorded Certificate of Partnership. A Limited Partnership must supply a copy of the partnership agreement. A Limited Liability Company needs to provide a copy of the Articles of Organization/Operating Agreement. A Church needs to provide a copy of the court order appointing the Trustees and the By Laws.

Limited Partnerships, Corporations and Limited Liability Companies need to provide proof that the company is currently in good standing with the Virginia State Corporation Commission.

**Department of Public Works and Environmental Services, Land Development Services,
Customer and Technical Support Center, Bonds and Agreements**

12055 Government Center Parkway, Suite 230

Fairfax, VA 22035-5503

Phone: 703-222-0801, TTY: 711, Fax: 703-653-1344

www.fairfaxcounty.gov/dpwes



All documents that are submitted to the County for approval by a Corporation, Partnership, or other entity must be signed by persons who have legal authority to bind the entity on behalf of which they are signing, and proof of such authority must accompany the document.

Such proof may consist of a resolution by the entity's Board of Directors, the by-laws of the entity, a power of attorney, or some other document that clearly establishes that the person signing the document has the legal authority to do so.

Developers electing to post Corporate Surety Bonds or Letters of Credit are advised to consider the following policies in effect for Fairfax County that govern the acceptance of these types of securities.

- (a) On April 28, 1986, the Board of Supervisors adopted the use of the Best Key Rating Guide. The Best Key Rating Guide lists the rating and financial size of the surety companies. Any firm which falls below the Best Key Rating of A6 will be considered an unacceptable form of surety to Fairfax County.
- (b) Effective March 9, 1999, an amendment to the Public Facilities Manual changed the minimum acceptance level for providers of Letters of Credit. As reported in the national overview chart within the latest publication of the Sheshunoff Quarterly Ratings for Banks and Savings and Loan Associations, the acceptable rating will be the highest value of the reported range that corresponds to the reported cumulative percentage of 20%. As of October 25, 2013, the current corresponding Sheshunoff rating that is acceptable is 45 or better. Since the minimum rating may change with each quarterly publication, this office should be contacted for confirmation.
- (c) It is the adopted policy of Fairfax County not to accept new agreements from developers identified as being in default of the terms of agreements for projects elsewhere in the County. Applicants, with projects identified as being in default, are advised to take measures to resolve outstanding defaults before submitting new agreements as such outstanding defaults will result in subsequent denial of the acceptance of any such agreements in accordance with County policy.
- (d) Effective July 1, 2013, the fees for new agreements are:
 - Bonds \$10,000 or less **\$283.00**
 - Bonds over \$10,000 **\$2,050.00**

(e) A **complete** Bond Package consists of:

- An Agreement for _____ **months**
- Surety in the amount of \$ _____
- Certificate of Insurance per paragraph 10 of Agreement
- State Corporation Commission Certificate of Good Standing
- Certificate of Partnership, Trustee Papers, Operating Agreement(s), Bylaws, etc., as applicable -
- Certification for L.P., Corporations, Banks and/or L.L.C. **per County sample**
- **Bond Package Review Fee as outlined in paragraph (d)**

Please note: Any and all requests for release from a development agreement and/or security must be in writing and must be submitted to the Director, Department of Public Works and Environmental Services, 12055 Government Center Parkway, Suite 602, Fairfax County, Virginia 22035. The Director of the Department of Public Works and Environmental Services is the County's designated administrative agent for the purpose of receiving notice of release requests under Virginia Code Section 15.2-2245(A). A written release request submitted to any entity or individual other than the Director of the Department of Public Works and Environmental Services at the address listed above is insufficient to put the County on notice of such release request pursuant to Section 15.2-2245(A) of the Virginia Code.

Effective May 1, 1996, all documents requiring notarization must be typed and without any errors, corrected or otherwise. Incomplete Bond Packages will not be accepted. All packages must be complete, correct and submitted no later than 12pm on Tuesday in order to be considered for that week's Wednesday Bond Committee meeting.

New forms are available on the County's website. All agreements must be printed on legal size paper. (<http://www.fairfaxcounty.gov/dpwes/forms>)

When the enclosed forms have been completed, please return them to: County of Fairfax, DPWES, Land Development Services, Bonds and Agreements Center, 12055 Government Center Parkway, Suite 216, Fairfax, Virginia 22035-5503. **If you should have any questions or require assistance in completing the package, please contact _____ at**

(703) 324- _____ or _____.

Sincerely,

Bonds and Agreements Center

cc: Submitting Engineer

